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12 Attorneys for NEW WORLD TMT LIMITED

13 UNITED STATES DISTRICT COURT  
14 NORTHERN DISTRICT OF CALIFORNIA  
15 SAN JOSE DIVISION

16 NEW WORLD TMT LIMITED, a Cayman  
17 Islands Corporation,

18 Plaintiff,

19 v.

20 PREDIWAVE CORPORATION, a  
21 California Corporation, et al.

22 Defendants.

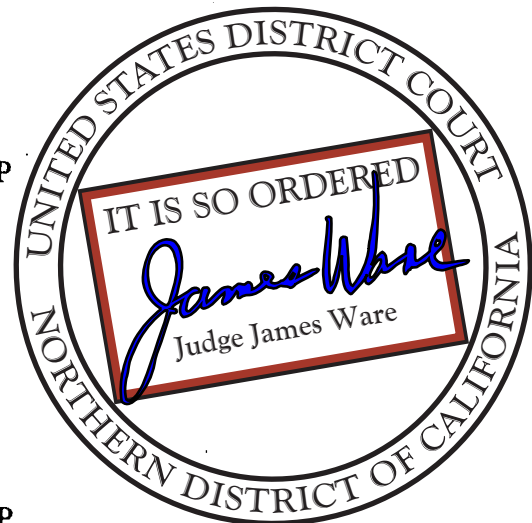
23 PREDIWAVE CORPORATION, a  
24 California Corporation, et al.

25 Cross-Complainant,

26 v.

27 NEW WORLD TMT LIMITED, a Cayman  
28 Islands Corporation,

Cross-Defendant.



Case No. C-06-2586 JW

**JOINT STIPULATION TO TRANSFER  
ACTION TO UNITED STATES  
BANKRUPTCY COURT FOR THE  
NORTHERN DISTRICT OF CALIFORNIA,  
OAKLAND DIVISION; ~~PROPOSED~~  
ORDER**

WHEREAS, on May 25, 2004, New World TMT Ltd. (“New World”) filed a Complaint in the Santa Clara County Superior Court against PrediWave Corporation (“PrediWave”), its President and CEO, Jianping “Tony” Qu, and eight affiliated companies, also run by Jianping Qu (collectively, “Defendants”), alleging breach of contracts, fraudulent concealment, fraudulent misrepresentation, fraud-false promise, negligent misrepresentation, violation of California Unfair Competition Law, Business and Professions Code Section 17200, and seeking declaratory relief.

WHEREAS, on April 14, 2006, Defendants removed the action entitled *New World TMT Ltd. v. PrediWave, et al.*, Case No. 104 CV 020369 (the “Santa Clara Action”) from the Santa Clara County Superior Court, the Honorable Jack Komar presiding, to the United States District Court for the Northern District of California pursuant to 28 U.S.C. Section 1334(b) on the grounds that the Santa Clara Action is related to PrediWave’s bankruptcy case;

WHEREAS, on April 26, 2006, New World filed in the Bankruptcy Court, Case No. 06-040547, a Motion to Remand the Santa Clara Action to the Santa Clara Superior Court and a Motion for Relief from the Automatic Stay to prosecute the Santa Clara Action;

WHEREAS, on or about April 27, 2006, Judge Newsome's clerk informed counsel for Defendants that the Santa Clara Action was not currently before Judge Newsome, and to make

1 arrangements for the case to be transferred to Judge Newsome prior to the hearing on New  
2 World's Motion to Remand, which was set for hearing on May 10, 2006;

3 WHEREAS, on April 28, 2006, counsel for Defendants sent a letter to the  
4 Honorable Jeremy Fogel, the judge initially assigned to this case, requesting that the Santa Clara  
5 Action be transferred to Judge Newsome as quickly as possible, which letter is attached hereto;

6 WHEREAS, on May 10, 2006, the Hon. James Ware issued a related case order,  
7 reassigning the case from the Honorable Jeremy Fogel to this Court.

8 WHEREAS, on May 10, 2006, Judge Newsome held a hearing on New World's  
9 motions, and stated that he could not rule on New World's Motion to Remand because the Santa  
10 Clara Action was not properly before him;

11 WHEREAS, Judge Newsome informed the parties that the case should be  
12 transferred to him so that he can issue all appropriate rulings with respect to the Santa Clara  
13 Action;

14 IT IS THEREFORE STIPULATED AND AGREED by New World and  
15 Defendants, by and through their undersigned counsel, as follows:

16 The Santa Clara Action shall be immediately transferred from the United States  
17 District Court for the Northern District of California, San Jose Division, the Hon. James Ware  
18 presiding, to the Hon. Randall Newsome of the United States Bankruptcy Court for the Northern  
19 District of California, Oakland Division.

20  
21 DATED: May 12, 2006

PAUL HASTINGS, JANOFSKY & WALKER LLP

22  
23 By: 

JOSHUA G. HAMILTON

24 Attorneys for Plaintiff and Cross-Defendant  
25 NEW WORLD TMT LIMITED  
26  
27  
28

1 DATED: May 12, 2006

LATHAM & WATKINS LLP

2 By:   
3 PATRICK GIBBS

4 Attorneys for Defendants

5  
6 **ORDER**

7  
8 PURSUANT TO FOREGOING STIPULATION, IT IS SO ORDERED.

9  
10 DATED: May 23, 2006

  
Honorable James Ware

United States District Court

LATHAM & WATKINS LLP

April 28, 2006

The Honorable Jeremy Fogel  
U.S. District Court Judge  
280 South 1st Street  
San Jose, CA 95113

FIRM / AFFILIATE OFFICES  
Boston New York  
Brussels Northern Virginia  
Chicago Orange County  
Frankfurt Paris  
Hamburg San Diego  
Hong Kong San Francisco  
London Shanghai  
Los Angeles Silicon Valley  
Milan Singapore  
Moscow Tokyo  
New Jersey Washington, D.C.

File No. 039827-0005

Re: New World TMT, v. PrediWave, et al., Case No. C-06-2586 JF

Dear Judge Fogel:

We represent Defendant and the Cross-Complainant PrediWave Corporation ("PrediWave") and the other defendants in the above-captioned case. We write to address a procedural issue concerning the administration of this case.

On April 14, 2006, PrediWave filed a petition for relief under chapter 11 of Title 11 of the United States Code (the "Bankruptcy Code") in the United States Bankruptcy Court for the Northern District of California (the "Bankruptcy Court"). The case was assigned to Chief Judge Randall Newsome, and the case captioned *In re PrediWave*, Case No. 06-40547.

Also on April 14, 2006, PrediWave and the other defendants jointly removed this action from the Superior Court for the City and County of Santa Clara (Case No. 104 CV 020369) to this Court pursuant to 28 U.S.C. § 1334(b) and Rule 9027 of the Federal Rules of Bankruptcy Procedure. The removal was filed in this Court pursuant to General Order 24, which provides that "This Court hereby refers to the bankruptcy judges of this district all cases under title 11, and all proceedings arising under title 11 or arising in or related to cases under title 11."; *see also* U.S. Bankruptcy Court for the Northern District of California Local Rule 5011-1(a) (accord). Based on General Order 24, PrediWave filed its Notice of Removal in this Court, on the expectation that the Court would automatically refer the matter to the Chief Judge Newsome pursuant to the General Order 24.

PrediWave and the other defendants believe this matter should be assigned to Judge Newsome of the Bankruptcy Court. We therefore request that this Court transfer this case to Judge Newsome pursuant to General Order 24 as quickly as possible. New World apparently agrees, as they have filed *in the Bankruptcy Court* a motion to remand this action even though the case is not presently before that Court. Chief Judge Newsome has agreed to hear New

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World's motion on May 10, 2006. However, Chief Judge Newsome will not be able to hear the motion until this case is transferred.<sup>1</sup>

We are available to discuss how to accomplish this transfer at the Court's convenience.

Truly yours,

A handwritten signature in black ink, appearing to read 'D M Friedman', with a long horizontal flourish extending to the right.

David M. Friedman  
of LATHAM & WATKINS LLP

cc: Miguel Sanqui, Esq. (Counsel for New World)

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<sup>1</sup> PrediWave and the other Defendants have filed a Notice of Pendency of Other Action in this Court and has requested a transfer to Chief Judge Newsome of the Bankruptcy Court. PrediWave also requested a transfer in its response to Plaintiff's Administrative Motion to Consider Whether Cases Should be Related.